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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,498	02/05/2001	John Michael Jensen	8025P001	9282
8791 7590 09/11/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
VIG, NARESH				
ART UNIT		PAPER NUMBER		
3629				
MAIL DATE		DELIVERY MODE		
09/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/776,498

Applicant(s)

JENSEN, JOHN MICHAEL

Examiner

NARESH VIG

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is in reference to communication received 26 February 2008 and communication mailed 02 September 2008. Claims 21 – 46 are pending for examination.

Response to Arguments

Applicant's other arguments and concerns for amended claims have been responded to in response to the pending amended claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21 – 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant's disclosure does not have support for hiding contact information of the receiver from the communication device of the user (i.e. receiver device communicating with the user device using an anonymous device identifier like for example IP address, Network card address aka NIC address etc.). In the disclosure [0134], applicant has merely recited "In essence, this variation of the less preferred embodiment of the present invention's method and system would be a reverse of the anonymous re-mailer paradigm. In the anonymous re-mailer paradigm, the Caller party seeks to hide or secret his identity. In this alternative variation of the invention's system and method, the Receiver party seeks to hide the exact address and account associated with the Receiver party although the Receiver party's identity is known". This does not adequately teach how the claimed invention can be implemented without undue experimentation.

As currently claimed, there is only one communication device. Specification does not adequately teach how the claimed invention can be implemented with only one communication device for transmission by the communication device of the user is communicated to a receiver wherein receiver does not have a communication device to receive the communication from the user.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21 – 46 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As currently claimed, it is not clear whether the intermediary device merely transmits the communication from the user to a receiver randomly, or, does the intermediary device actually replaces the receiver contact information prior to transmitting the message to the user.

As currently claimed, it is not clear whether user and receiver are registered with the intermediary.

In addition, as currently claimed it is not clear whether the receiver hides their contact information i.e. communicates with anonymous contact information, or, it is the intermediary facility that replaces the receiver contact information with an anonymous contact information to hide the receiver contact information from the user.

Additionally, it is old and known to one of ordinary skill in the art that when there is a communication between two device, both devices have to know the address to be able to communicate with each other. Applicant has not positively claimed how communication between the user and the receiver is performed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21 – 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over John Cook newspaper article "Well-Funded Xpertsite.com Making Hay With Its Popular Answer Service" hereinafter known as Cook in view of previously cited archived web pages of Keen.com hereinafter known as Keen.

Regarding Claims 21, 31 and 39, as best understood by examiner, Cook teaches system and method for connecting a communication device with an intermediary facility (Xpertsite.com). Cook does not explicitly teach selecting a receiver to receive text. However, Cook teaches Keen.com as one on the competitors of Xpertsite.com. Keen teaches idea of selecting a receiver to receive text;

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cook as taught by Keen to allow the user to select a consultant of their choice.

Cook in view of Keen teaches idea for:

transferring a fee from a user [Keen, page 42];

transmitting the text from the communication device to the receiver through the intermediary facility

Even though Cook in view of Keen does not explicitly recite contact information of the receiver is hidden from the communication device, however, Keen teaches that the phone number of the user is hidden [Keen, page 10]. In addition, it is old and known to one of ordinary skill in the art that receiving party have provided an alias as their contact information to hide their contact information from the user. Also, it is old and known at the time of invention to one of ordinary skill in the art the caller-id of the user can be blocked. Liu teaches system and method for anonymous communication. Liu teaches using reference codes for communication and tracking purposes [Liu, col. 8, lines 48 – 56].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Cook in view of Keen by adopting teachings of Liu to facilitate anonymous communication between parties, combine prior art elements according to known methods to yield predictable results, apply a known technique to a known device or method ready for improvement to yield predictable result.

Cook in view of Keen and Liu teaches capability wherein:

contact information of receiver is hidden from the device

identification of the user is tracked

Regarding Claims 22, Cook in view of Keen and Liu teaches concept wherein the intermediary facility is a server.

Regarding Claims 23, 33 and 41, Cook in view of Keen and Liu teaches concept wherein the text is transmitted as one of an electronic mail (e-mail) message and physically mailed.

Regarding Claims 24, 34 and 42, Cook in view of Keen and Liu teaches concept wherein the receiver is a publicly known person.

Regarding Claims 25, 35 and 43, Cook in view of Keen and Liu teaches concept wherein the contact information is an account.

Regarding Claims 26, 36 and 44, Cook in view of Keen and Liu teaches concept wherein the receiver receives a benefit by receiving the text, and the benefit is one of a personal benefit.

Regarding Claims 27 and 37, Cook in view of Keen and Liu teaches concept wherein the text is transmitted on a network.

Regarding Claims 28, 38 and 45, Cook in view of Keen and Liu teaches concept wherein the communication device receives a confirmation of delivery of the text, and the confirmation of delivery is received as an e-mail.

Regarding Claims 29 and 46, Cook in view of Keen and Liu teaches concept wherein the confirmation of delivery is received as an e-mail.

Regarding Claims 30, 32 and 40, Cook in view of Keen and Liu teaches concept wherein the fee is one of paid for by a user of the communication device, and the fee is paid to an account of the intermediary facility.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Liu et al. Provisional Application 60/252,828
2. Techies will hold your hand afar Experts log on to your PC to guide you or make a fix
3. Tech Tools
4. R&D Consultants Associates Partners with EXP.com to Bring Its Scholarly Consultants online
5. Adam.com Launches Live Online Chats with Healthcare Specialists

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 8, 2008

/Naresh Vig/
Primary Examiner,
Art Unit 3629